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8 **UNITED STATES DISTRICT COURT**

9 **EASTERN DISTRICT OF CALIFORNIA - FRESNO DIVISION**
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11 EDITH RODRIGUEZ HERNANDEZ; ELOY)
12 SUAREZ RODRIGUEZ, by and through his)
13 Guardian ad Litem, JESUS SUAREZ;)
14 EZEQUIEL SUAREZ-RODRIGUEZ, by and)
15 through his Guardian ad Litem, JESUS)
16 SUAREZ; DIANA SUAREZ RODRIGUEZ,)
17 by and through his Guardian ad Litem, JESUS)
18 SUAREZ)

15 Plaintiff,

16 vs.

17 NATIONAL RAILROAD PASSENGER)
18 CORPORATION ("AMTRAK"), et al.,)

19 Defendant)
20)

CASE NO.: 1:02-cv-06527-LJO-GSA

STIPULATION OF DISMISSAL AND
[PROPOSED] ORDER THEREON

21 _____ Pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiff, GUADALUPE CRUZ
22 CALDERON and Defendants NATIONAL RAILROAD PASSENGER CORPORATION
23 ("AMTRAK"); BURLINGTON NORTHERN AND SANTE FE RAILWAY CO.; WALTER
24 WARD and W.M. DIKE (collectively "Rail Defendants"), hereby stipulate as follows:

- 25 1. The Suarez Plaintiffs and the Rail Defendants have entered into a mutual
26 release/settlement in which the parties have agreed to compromise, settle and
27 resolve their disputes on the terms and conditions set forth therein. Defendants
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acknowledge receipt of the fully and properly executed Releases and Plaintiffs
acknowledge receipt of the settlement funds on May 26, 2009.

2. Plaintiff, Guadalupe Cruz Calderon, the mother of decedent Eloy Suarez, passed
away in January of 2005.

3. Accordingly, the Suarez Plaintiffs and the Rail Defendants hereby agree that Ms.
Calderon's action should be and is dismissed and discontinued, with prejudice.
Each party to bear its own costs, expenses and attorney's fees.

DATED this 23rd day of June, 2009.

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ORDER

With the above stipulation, all plaintiffs have dismissed all claims against defendants. As
such, this Court directs the clerk to close this action.

IT IS SO ORDERED.

Dated: June 25, 2009

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE